

# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

26699

FILE: B-211973

DATE: November 7, 1983

MATTER OF: Thomas M. Delmonico d/b/a Waterbury  
General Construction Co.

## DIGEST:

GAO will not review award of a contract by a public housing agency, to be funded by HUD under the Comprehensive Improvement Assistance Program, since matter is before a court of competent jurisdiction and the court has not indicated an interest in a GAO decision.

Thomas M. Delmonico d/b/a Waterbury General Construction Co. (Waterbury) has filed a complaint concerning the award of a contract by the Waterbury Public Housing Authority (Authority). The contract is for the modernization of existing low-rent public housing projects to be financed by the Department of Housing and Urban Development (HUD) under the Comprehensive Improvement Assistance Program.

Although HUD admits our jurisdiction to review this procurement under the rationale of Curtiss Development Co. and Shepcoe, Inc., 61 Comp. Gen. 85 (1981), 81-2 CPD 414, following its complaint to GAO, Waterbury filed suit in the Superior Court, Judicial District of Waterbury. The bases for the suit are substantially the same as those presented in Waterbury's complaint to GAO.

As a matter of policy, in the absence of a request from a court, we will not review complaints where the material issues are pending in a court of competent jurisdiction. Commissioners of Cuyahoga County, Ohio, B-189626, August 12, 1977, 77-2 CPD 115, affirmed, Commissioners of Cuyahoga County, Ohio--Reconsideration, B-189626, December 28, 1977, 77-2 CPD 509. Waterbury advises that the Superior Court has not expressed an interest in our decision.

Accordingly, we will take no further action on the matter.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel

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